



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Tal Drory, et al.

Serial No.: 10/814,579

Filed: March 31, 2004

For: METHOD AND APPARATUS  
FOR QUERYING SPATIAL DATA

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§ Group Art Unit: Unassigned  
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§ Examiner: Unassigned  
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§ Atty Docket: 200315226-1  
§ NUHP:0240/FLE  
§

Mail Stop Petitions  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING  
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service, with sufficient postage, as First Class Mail in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on the date below:

7/7/04

Date

*Maria Galloway*  
Maria Galloway

Sir:

**PETITION FOR REFUND PURSUANT TO 37 C.F.R. § 1.53(e)**

The Applicant is submitting this petition in response to a Notice of Incomplete Nonprovisional Application mailed on June 14, 2004, which alleged that the Application was filed without drawings. Based on M.P.E.P. § 503, the Applicant is filing herewith a petition pursuant to 37 C.F.R. § 1.53(e) along with the required fee under 37 C.F.R. § 1.17(h). The Applicant submits this petition to request a refund of the fee for the petition because the error occurred in the United States Patent and Trademark Office.

Accordingly, Hewlett-Packard Development Company respectfully request a refund of the fee of \$130 paid for the petition pursuant to §§ 1.17(h) and 1.53(e). The Applicant requests the Commissioner to refund the petition fee of \$130.00 to Deposit Account No. 08-2025.

07/14/2004 AWONDAF2 00000012 082025 10814579

01 FC:1460 130.00 DA

Respectfully submitted,

Date: July 7, 2004

Brent R. Knight  
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(281) 970-4545

**HEWLETT-PACKARD COMPANY**

Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, Colorado 8-527-2400



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7/7/04	Maria Galloway
Date	Maria Galloway

Sir:

**PETITION PURSUANT TO 37 C.F.R. §§ 1.17(h) and 1.53(e)**

The Applicant is submitting this petition in response to a Notice of Incomplete Nonprovisional Application mailed on June 14, 2004 ("the Notice"). The Notice stated that the above-identified application ("the Application") was filed without drawings. The Applicant submits this petition to present evidence that the drawings were indeed submitted when the Application was filed on March 31, 2004. A copy of the drawings is attached as Exhibit A to this petition. By this petition, the Hewlett-Packard Development Company ("HP") (the rightful assignee of the Application) respectfully requests that the Application be accorded a filing date of March 31, 2004. In support of this petition, HP offers the accompanying Declaration of Brent R. Knight ("the Knight Declaration"), which is attached as Exhibit B to this petition.

As set forth in the Knight Declaration, Mr. Knight is an attorney with the law firm of Fletcher Yoder. Knight Declaration, paragraph 2. Mr. Knight was involved in the preparation and filing of the

Application on behalf of HP and is authorized to respond to the Notice of Incomplete Nonprovisional Application mailed on June 14, 2004. *Id.* at paragraph 3.

As set forth above, the Notice stated that the Application was not granted a filing date because the Application was allegedly filed without drawings. However, the Applicant included a return postcard with the Application itemizing the items submitted therewith. A true and correct copy of the postcard, which was received from the United States Patent and Trademark Office at the offices of Fletcher Yoder on or about April 2, 2004, is attached as Exhibit C of this petition. *Id.* at paragraph 6. As shown by Exhibit C, the Application filed on March 31, 2004, included a specification of 32 pages, **4 sheets of drawings (3 copies)**, a patent application transmittal letter, an Assignment, a Declaration, a PTO-1595 form, an Information Disclosure Statement, a PTO-1449 form, and two return postcards. Knight Declaration, paragraph 5.

Pursuant to M.P.E.P. § 503, a postcard receipt that itemizes and properly identifies the items being filed serves as *prima facie* evidence of receipt of those items by the United States Patent and Trademark Office. *See* M.P.E.P. § 503. Additionally, Section 601.01(f) of the M.P.E.P. states that:

Applicant may file a petition under 37 CFR 1.53(e) with the petition fee set forth in 37 CFR 1.17(h), asserting that (1) the drawing(s) at issue was submitted, or (2) the drawing(s) is not necessary under 35 U.S.C. 113 (first sentence) for a filing date. The petition must be accompanied by sufficient evidence to establish applicant's entitlement to the requested filing date (*e.g., a date-stamped postcard receipt (MPEP § 503) to establish prior receipt in the USPTO of the drawing(s) at issue*).

M.P.E.P. § 601.01(f) (Emphasis added).

Thus, the Applicant has provided *prima facie* evidence that the drawings were included with the Application filed on March 31, 2004. The Applicant, therefore, respectfully requests that a filing date of March 31, 2004, be assigned to the Application.

The Commissioner is authorized to charge the petition fee of \$130.00, as set forth in 37 C.F.R. § 1.17(h), along with any other fees that may be required, to Deposit Account No. 08-2025. The Applicant is filing herewith a petition for refund of this fee because the error that necessitated this petition took place in the United States Patent and Trademark Office and was not within the Applicant's control.

Respectfully submitted,

Date: July 7, 2004

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